

Article - Environment

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§7–405.

(a) (1) Subject to the provisions of this subtitle, the Board shall issue certificates of public necessity:

- (i) For the siting of hazardous waste facilities; and
- (ii) For the siting of low-level nuclear waste facilities.

(2) A certificate under this subtitle is not required if a site and facility are otherwise authorized by law.

(3) A certificate is not required for a facility used for receipt, transfer, recovery, or disposal of nonhazardous or nonradioactive residential, commercial, or industrial waste.

(b) In deciding whether to issue a certificate, the Board shall consider but not be limited to the following:

(1) Environmental, social, technical, and economic factors as they apply to a particular proposed site; and

(2) The need for and problems associated with the comprehensive statewide disposal of hazardous and low-level nuclear waste.

(c) The design, construction, and operation of a facility on a site for which a certificate has been issued, and the associated transportation of hazardous or low-level nuclear waste to and from the facility, shall be subject to all environmental, health, and safety restrictions that may be imposed by State regulatory agencies under applicable law and regulation.

(d) (1) The issuance of a certificate of public necessity for a site exempts the site, the design, construction, and operation of the facilities on the site, and the transportation of hazardous or low-level nuclear waste to and from the facilities on the site from any regulation, policy, law, or ordinance, including zoning, of any political subdivision of this State, and from any State law or regulation that requires approval of any political subdivision of this State.

(2) The Board may not issue a certificate of public necessity for the purpose of extending or expanding any hazardous waste landfill in operation on or

before July 1, 1980 that was permitted by this State under Subtitle 2 of this title and § 9-204 of this article.

(3) (i) In paragraph (2) of this subsection, the following words have the meanings indicated.

(ii) “Extending” includes any proposed disposal capacity to be established by the lateral development of the landfill facility or site or of any noncontiguous acreage within one-half mile from the perimeter of the landfill site boundary.

(iii) “Expanding” includes any proposed disposal capacity to be established by a material alteration of the landfill facility or site through an increase in the height of any landfill cell or otherwise.

(e) The issuance of a certificate does not require the approval of any county or municipal council, board, authority, or unit. Any plan for management of liquid, solid, hazardous, or low-level nuclear waste adopted by any subdivision of the State shall be consistent with the terms of the certificate.

(f) The certificate shall contain a statement of the purpose for which it is issued and a description of the site and proposed facility, and shall indicate the locations on the site of all facilities, all buffer and security areas, and all areas to be used for appurtenant functions.

(g) A certificate is valid only for the site and facility for which it is issued.

(h) (1) A person may not make any material change that, as to a facility or the use of a site, is contrary to the purpose or conditions for which a certificate was issued, unless:

(i) The person first submits the proposed change to the Board for reconsideration of the certificate; and

(ii) The Board approves the change.

(2) An application for reconsideration shall be made by an applicant and processed by the Board in accordance with the same requirements, procedures, and restrictions that are applicable to an initial application for a certificate under this subtitle.

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